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EXAMINER	
VUU, HENRY	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/671,361	DANIELI, DAMON V.	
	Examiner	Art Unit	
	Henry Vuu	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2007*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1,4-10,12 and 15-25* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1,4-10,12 and 15-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *25 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1, 8, 10, 12, 19, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya et al. (Publication No. 2004/0109023) in view of Reaney et al (Publication No. 2004/0085334).

As to claim 1, Tsuchiya et al. teaches a method for visually (see e.g., para. [0064], line 10; i.e., objects 61 through 63 displayed on the video monitor) indicating a voice speaker (see e.g., para. [0064], line 9 – 10; i.e., The players conduct voice chat via these objects 61 through 63) to a listener (see e.g., para. [0064], line 3; i.e., opponent) in a context of a computing session (see e.g., para. [0064], line 3 – 4; i.e., game), comprising the steps of: obtaining (see e.g., para. [0073], lines 9 -13) a speaker identifier (see e.g., para. [0073], lines 4 – 9; i.e., as shown in the same diagram, icons 93, 94, 95, which represent each of the players) that identifies a voice speaker (see e.g., para. [0073], line 7 – 8; i.e., icon 94 of player B, the talking party) who is transmitting voice data (see e.g., para. [0070], lines 12 – 15; i.e., Voice information inputted by Player B to game apparatus 11 though microphone 74 is then sent to game apparatus 10); associating (see e.g., para. [0071], line 17; i.e., affixing) the speaker identifier with a visual indicator (see e.g., para. [0071], lines 17 – 18; i.e., a downward pointing arrow 91 is affixed in a

position above the head of object 62.) representing the voice speaker (see e.g., para. [0071], lines 14 – 15; i.e., to distinguish Player B's object 62 (the talking party)) in the computing session; and displaying the visual indicator to the listener (see e.g., para. [0071], lines 16 – 18; i.e., game screen of Player A (the receiving party), a downward pointing arrow 91 is affixed in a position above the head of object 62) to indicate the voice speaker (see e.g., para. [0071], lines 18 – 19; i.e., by distinguishing the talking party's character from the other characters) who is speaking (see e.g., para. [0071], lines 21 – 22; i.e., to grasp visually who has started to talk to him), but does not specifically mention the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session. Reaney et al. teaches visual indicator (see e.g., para. [0011]; i.e., interactive computer character or avatar) comprises a change in appearance of a visual element (see e.g., para. [0012]; i.e., the appearance of the character/avatar is changed, such as the character/avatar's mouth moving, is accomplished by the user speaking into the microphone) that is controlled by the voice speaker in the computing session (see e.g., para. [0012]; i.e., the user is able to simulate mouth movement of the character/avatar by pressing a button or speaking into the microphone). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method for visually indicating a voice speaker in a context of a computing session of Tsuchiya et al. with the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session of Reaney et al. because the effect of the character/avatar's mouth is moved in synchronization with the operators voice, which allows the character/avatar to react to events within an interactive environment in real time (see e.g., para. [0005] and para. [0006]).

As to claim 8, this claim is analyzed with respect to claim 1 as previously discussed above. Tsuchiya et al. teaches modifying (see e.g., para. [0074], line 3; i.e., adjusting volume of voice with respect to distance of avatars) the voice data (see e.g., para. [0074], line 3; i.e., output volume of voice chat) as a function of a status of at least one of the voice speaker and the listener (see e.g., para. [0074, lines 3 – 4; i.e., in accordance with the distance in a virtual space between object 61 and object 62) in the computing session (see e.g., para. [0074], lines 15 – 17; i.e., the positional relationship of the characters displayed in the game screen, a virtual experience can be enjoyed).

As to claim 10, Tsuchiya et al. teaches:

A memory medium on which are stored machine instructions for carrying out the step of claim 1 (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium storing a computer program).

As to claim 12, claim 12 differ from claim 1 only in that claim 12 is an apparatus claim using memory (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium) containing machine instructions (see e.g., para. [0044]; i.e., computer program) executed by a processor (see e.g., Fig. 3; i.e., main CPU) to perform the steps of claim 1. Thus, claim 12 is analyzed with respect to claim 1 as previously discussed above.

As to claim 19, claim 19 differ from claim 8 only in that claim 19 is an apparatus claim using memory (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium) containing machine instructions (see e.g., para. [0044]; i.e., computer program) executed by a processor (see e.g., Fig. 3; i.e., main CPU) to perform the steps of claim 8. Thus, claim 19 is analyzed with respect to claim 8 as previously discussed above.

As to claim 24, this claim is analyzed with respect to claim 1 as previously discussed above. Tsuchiya et al. does not specifically mention the change in appearance of a visual element that is controlled by the voice speaker in the computing session comprising moving a mouth on a character controlled by the voice speaker. Reaney et al. teaches the change in appearance of a visual element (see e.g., para. [0012]; i.e., the appearance of the character/avatar is changed, such as the character/avatar's mouth moving, is accomplished by the user speaking into the microphone) that is controlled by the voice speaker in the computing session (see e.g., para. [0012]; i.e., the user is able to simulate mouth movement of the character/avatar by pressing a button or speaking into the microphone) comprising moving a mouth on a character controlled by the voice speaker (see e.g., para. [0012]; i.e., the user speaking into the microphone or a button controlled by the user enables the character/avatar's mouth to move). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the method for visually indicating a voice speaker in a context of a computing session of Tsuchiya et al. with the change in appearance of a visual element that is controlled by the voice speaker in the computing session comprising moving a mouth on a character controlled by the voice speaker of Reaney et al. because the effect of the character/avatar's mouth is moved in synchronization with the operators voice, which allows the character/avatar to react to events within an interactive environment in real time (see e.g., para. [0005] and para. [0006]).

Claims 4, 5, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya (Publication No. 2004/0109023) in view of Reaney et al (Publication No. 2004/0085334) and further in view of Ham ("Half-Life Gets A Voice").

As to claim 4, this claim is analyzed with respect to claim 1 as previously discussed above. Tsuchiya et al. teaches, does not specifically mention prior to the step of displaying, further comprising the step of determining whether the listener has elected to hear voice communications from the voice speaker. Ham et al. teaches determining whether the listener has elected to hear voice communications from the voice speaker (see e.g., para. 6, line 11 – 14; i.e., the ability of an in-game player having the capability to elect and mute other players within the same gaming session by means of using a "Voice Properties dialog box", wherein the player can bring up the "Voice Properties dialog box" and further click on a player to mute them for the rest of the gaming session). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a method for visually indicating a voice speaker to a listener in a context computing session of Tsuchiya et al. as modified by the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session of Reaney et al. with a "Voice Properties dialog box" that enables a listener to elect which voice speaker in the gaming session to mute of Ham et al. because the "Voice Properties dialog box" enables the listener to mute the voice speaker for the rest of the gaming session so that voice communication spamming or cursing can be optionally controlled by the listener at the listeners discretion (see e.g., para. 6, lines 11 - 16).

As to claim 5, this claim is analyzed with respect to claim 4 as previously discussed above. Tsuchiya et al. teaches determining whether the voice speaker provided evidence (see e.g., para. [0028], lines 5 – 6; i.e., individual specification) that the voice speaker is trusted by the listener (see e.g., para. [0022], lines 1 – 2; i.e., Preferably, the receiving party is a party

which has conducted voice chat with the talking party in the past), so that voice communications from the voice speaker are allowed to be heard by the listener (see e.g., [0015], lines 16 - 22).

As to claim 15, claim 15 differ from claim 4 only in that claim 15 is an apparatus claim using memory (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium) containing machine instructions (see e.g., para. [0044]; i.e., computer program) executed by a processor (see e.g., Fig. 3; i.e., main CPU) to perform the steps of claim 4. Thus, claim 15 is analyzed with respect to claim 4 as previously discussed above.

As to claim 16, claim 16 differ from claim 5 only in that claim 16 is an apparatus claim using memory (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium) containing machine instructions (see e.g., para. [0044]; i.e., computer program) executed by a processor (see e.g., Fig. 3; i.e., main CPU) to perform the steps of claim 5. Thus, claim 16 is analyzed with respect to claim 5 as previously discussed above.

Claims 6, 7, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya (Publication No. 2004/0109023) in view of Reaney et al (Publication No. 2004/0085334) and further in view of Levi et al. (Publication No. 2003/0236835).

As to claim 6, this claim is analyzed with respect to claim 1 as previously discussed above. Levi et al. does not specifically mention prior to the step of displaying, further comprising the step of determining whether the listener is prohibited from hearing voice communication from the voice speaker. Levi teaches a user engaged in an abusive behavior or has violated a rule within the computing session which further allows the administrative manager to remove the user from the system or suspend the users privileges for a given period of time (see e.g., para.

[0058], lines 4 - 7). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the a method for visually indicating a voice speaker to a listener in a context computing session of Tsuchiya et al. as modified by the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session of Reaney et al. with an administrative manager monitor accounts and reports of abusive behavior within a gaming session of Levi et al. because the administrative manager can maintain an enjoyable environment for all users and prevent any disruptive or abusive communications among users (see e.g., para. [0059], lines 8 - 10).

As to claim 7, this claim is analyzed with respect to claim 6 as previously discussed above. Tsuchiya et al. teaches determining whether the voice speaker (see e.g., para. [0078], line 7; i.e., object 61) is restricted from voice communication (see e.g., para. [0078], lines 12 – 13; i.e., character 62 is removed from the list of possible chat partners.) as a result of one of an event occurring in the computing session and a status of the computing session (see para. [0078], lines 8 – 12; i.e., as shown in FIG. 12, object 62 is separated from character 61 by a distance equal to or greater than distance D, that is, a distance where the voice output level relative to player B has become too small, thus hindering chat).

As to claim 17, claim 17 differ from claim 6 only in that claim 17 is an apparatus claim using memory (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium) containing machine instructions (see e.g., para. [0044]; i.e., computer program) executed by a processor (see e.g., Fig. 3; i.e., main CPU) to perform the steps of claim 6. Thus, claim 17 is analyzed with respect to claim 6 as previously discussed above.

As to claim 18, claim 18 differ from claim 7 only in that claim 18 is an apparatus claim using memory (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium) containing machine instructions (see e.g., para. [0044]; i.e., computer program) executed by a processor (see e.g., Fig. 3; i.e., main CPU) to perform the steps of claim 7. Thus, claim 18 is analyzed with respect to claim 7 as previously discussed above.

Claims 9 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya (Publication No. 2004/0109023) in view of Reaney et al (Publication No. 2004/0085334) and further in view of Heredia (Patent No. 6,241,612).

As to claim 9, this claim is analyzed with respect to claim 1 as previously discussed above. Tsuchiya et al. does not specifically mention mixing the voice data from the voice speaker with voice data from another voice speaker to provide the listener with a multi-voice communication. Heredia et al. teaches using full duplex capabilities to allow players to speak to other players and still have the ability to hear other player's comments simultaneously (see e.g., col. 3, lines 58 - 60 in and col. 5, lines 29 - 37). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a method for visually indicating a voice speaker to a listener in a context computing session of Tsuchiya et al. as modified by the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session of Reaney et al. with mixing the voice data from the voice speaker with voice data from another voice speaker to provide the listener with a multi-voice communication of Heredia et al. because the full duplex communication capabilities enables simultaneous voice communication and decoding of voice packets in real

time, wherein the voice packet data is transmitted in the same packet as other data so that game data and voice data are synchronized (see e.g., col. 2, lines 53 – 65 and col. 3, lines 57 – 60).

As to claim 20, claim 20 differ from claim 9 only in that claim 20 is an apparatus claim using memory (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium) containing machine instructions (see e.g., para. [0044]; i.e., computer program) executed by a processor (see e.g., Fig. 3; i.e., main CPU) to perform the steps of claim 9. Thus, claim 20 is analyzed with respect to claim 9 as previously discussed above.

Claims 21 – 23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsuchiya (Publication No. 2004/0109023) in view of Reaney et al (Publication No. 2004/0085334) and further in view of Chatani et al. (Publication No. 2002/0161882).

As to claim 21, this claim is analyzed with respect to claim 1 as previously discussed above. Tsuchiya et al. and Reaney et al. do not specifically mention modifying the voice data as a function of a predefined characteristic selected by the voice speaker. Chatani et al. teaches modifying the voice data as a function of a predefined characteristic selected by the voice speaker (see e.g., para. [0036] – para. [0040]; i.e., a character profile user interface is provided to the user for selecting parameters to alter the voice data of a character within a game system). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a method for visually indicating a voice speaker to a listener in a context computing session of Tsuchiya et al. as modified by the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session of Reaney et al. with modifying the voice data as a function of a predefined characteristic

selected by the voice speaker of Chatani et al. because the user interface used to define the improved content data output system enhances interactive computer applications, such as a characters voice attribute in a video game or a chat application (see e.g., para. [0007]).

As to claim 22, this claim is analyzed with respect to claim 21 as previously discussed above. Tsuchiya et al. and Reaney et al. do not specifically mention modifying the voice data as a function of a predefined characteristic selected by the voice speaker comprises adjusting the voice data to sound like an elf. Chatanti et al. teaches modifying the voice data as a function of a predefined characteristic selected by the voice speaker (see e.g., para. [0036] – para. [0040]; i.e., a character profile user interface is provided to the user for selecting parameters to alter the voice data of a character within a game system) comprises adjusting the voice data to sound like an elf (see e.g., Fig. 5 and para. [0038] – para. [0039]; i.e., the user is provided with a character profile setup, wherein voice type characteristics can be altered through the use of slide bars. The effect of adjusting the slide bar of various character voice attributes allows the user to predefine the voice of a character within a game system or chat application, wherein it is appreciated by one possessing ordinary skill in the art that the character profile setup interface will allow the user to adjust voice data of a character to sound like an elf). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a method for visually indicating a voice speaker to a listener in a context computing session of Tsuchiya et al. as modified by the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session of Reaney et al. with modifying the voice data as a function of a predefined characteristic selected by the voice speaker comprises adjusting the voice data to sound like an elf of Chatanti et al. because the user interface used to

define the improved content data output system enhances interactive computer applications, such as a characters voice attribute in a video game or a chat application (see e.g., para. [0007]).

As to claim 23, this claim is analyzed with respect to claim 21 as previously discussed above. Tsuchiya et al. and Reaney et al. do not specifically mention modifying the voice data as a function of a predefined characteristic selected by the voice speaker comprises adjusting the voice data to sound like a preselected gender. Chatani et al. teaches modifying the voice data as a function of a predefined characteristic selected by the voice speaker (see e.g., para. [0036] – para. [0040]; i.e., a character profile user interface is provided to the user for selecting parameters to alter the voice data of a character within a game system) comprises adjusting the voice data to sound like a preselected gender (see e.g., Fig. 5 and para. [0038]; i.e., the user interface allows the user to select the gender of the character that will recite the playback voice). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a method for visually indicating a voice speaker to a listener in a context computing session of Tsuchiya et al. as modified by the visual indicator comprises a change in appearance of a visual element that is controlled by the voice speaker in the computing session of Reaney et al. with modifying the voice data as a function of a predefined characteristic selected by the voice speaker comprises adjusting the voice data to sound like a preselected gender of Chantani et al. because the user interface used to define the improved content data output system enhances interactive computer applications, such as a characters voice attribute in a video game or a chat application (see e.g., para. [0007]).

As to claim 25, claim 25 differ from claim 21 only in that claim 25 is an apparatus claim using memory (see e.g., Fig. 3 and para. [0044]; i.e., computer-readable storage medium)

containing machine instructions (see e.g., para. [0044]; i.e., computer program) executed by a processor (see e.g., Fig. 3; i.e., main CPU) to perform the steps of claim 21. Thus, claim 25 is analyzed with respect to claim 21 as previously discussed above.

Inquiries

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Henry Vuu whose telephone number is (571) 270-1048. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on (571) 272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Henry Vuu

5/1/2007

BA HUYNH
PRIMARY EXAMINER